

majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 6—VOTING

6.1 Roll calls. A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies. Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the Committee is actually present.

6.3 Polling. The Committee may poll any matters of Committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

#### RULE 7—SUBCOMMITTEES

7.1 Assignments. To assure the equitable assignment of members to subcommittees, no member of the Committee will receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance. Any member of the Committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members. The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and Ranking Minority Member may not be counted toward a quorum.

7.4 Scheduling. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. The full Committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees. The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

#### RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations. Any investigation undertaken by the Committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the Committee voting for approval to conduct such investigation at a business meeting of the Committee convened in accordance with Rule 1.

8.2 Subpoenas. The Chairman, with the approval of the Ranking Minority Member of

the Committee, is delegated the authority to subpoena the attendance of witnesses or the production of memorandum, documents, records, or any other materials at a hearing of the Committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this paragraph the subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the Committee designated by the Chairman.

8.3 Notice for taking depositions. Notices for the taking of depositions, in an investigation authorized by the Committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

8.4 Procedure for taking depositions. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the Committee Clerk.

#### RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the Committee as long as any witnesses who may be affected by the change in rules are provided with them.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence

of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment on page 15, line 6.

The PRESIDING OFFICER. The pending question is the committee amendment on page 15, line 6.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, we have begun a good discussion on S. 1, a bill that is designed to realign federalism so that our State and local partners realize that they are indeed partners and not special interest groups that are out there. It also pays attention to the private sector so that we will know as a decisionmaking body the cost and the impact of these mandates before we vote to impose them. Of course, it provides for a waiver so that if we choose to take some altered course we may do so.

It enhances our decisionmaking ability. As a result of many hours of discussion yesterday where we talked about this, a number of Senators were able to address some of their points and the support that they have for this bill. Some raised concerns of specific aspects of that bill. But as a result of that, we realize that reporters all across America are beginning to truly focus on this issue by calling the city halls and county courthouses and the school districts in their regions. And they are asking the mayors and the county commissioners, "What about these unfunded mandates? Is this truly a problem and can you give us some examples?" So the stories are starting to come forward of what these unfunded Federal mandates are, which are hidden Federal taxes.

In today's USA Today, for example, is a good story talking about Columbus, OH, and the unfunded Federal mandates. Really Columbus, OH, is one of those cities—Mayor Gregory Lashutka is not only an effective mayor but a good friend of mine—one of the first cities to document these unfunded Federal mandates. It has become a good source of information for many of us.

I received in the mail, also, Mr. President, a letter. Because we talked about the cities, the counties, and the States, we referenced the schools. But I think this helps make the point about the impact on the schools.

This is a letter from James B. Appleberry, president of the American Association of State Colleges and Universities, and C. Peter Magrath, president, National Association of State